

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated January 2, 2008 (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 9, 11, 21 and 23 have been canceled thereby rendering the respective objections and rejections of these claims moot. Applicant accordingly requests that such objections and rejections be withdrawn.

With respect to the objection to Claims 5, 10, 17 and 22 based on 37 CFR 1.75(c), each of these claims has been amended to be written in independent form. Such changes are believed to overcome the objection, and Applicant accordingly requests that the objection be removed.

With respect to the § 101 rejection of Claims 10 and 22, these claims have been amended to characterize that the computer programs are stored on computer-readable media such that they are structurally and functionally interrelated to the media in accordance with the Examiner's suggestions. Consistent with MPEP § 2106.01, Applicant submits that Claims 10 and 22 are directed to statutory subject matter and accordingly requests that the rejection be withdrawn.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended each of the independent claims to indicate that the server is located in a mobile terminal related to a user. Support for these changes may be found in the Specification, for example, at paragraphs [0009] (page 2, lines 21-23) and [0059] (page 11, lines 3-15); therefore, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Each of the rejections (§§ 102(b) and 103(a)) relies upon the teachings of WO 01/86997 to Varland (hereinafter "Varland") which does not teach at least a server located in a mobile terminal related to a user, as now claimed in each of the independent claims.

For example, Varland's clearinghouse unit (asserted as corresponding to the claimed server) is not disclosed as being located in a mobile terminal. Moreover, due to the size of the databases of the clearinghouse unit and the sensitive personal information stored therein, Varland's clearinghouse unit would not be implemented as a user's mobile terminal. Without correspondence to each of the claim limitations, the § 102(b) rejection would be improper.

In order to anticipate a claim, the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; i.e. every element of the claimed invention must be literally present, arranged as in the claim.

Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Varland does not teach every element of independent Claims 1, 3, 5, 10 and 22 in the requisite detail and therefore fails to anticipate Claims 1-8, 10, 18-20 and 22. Applicant accordingly requests that the rejection be withdrawn.

Dependent Claims 2, 4, 6-8 and 18-20 depend from independent Claims 1 and 3, respectively, and also stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Varland. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with independent Claims 1 and 3. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2, 4, 6-8 and 18-20 is improper, and Applicant requests that the rejection be withdrawn.

With further respect to the § 103(a) rejections, the additionally relied upon references do not teach the limitations absent in Varland. For example, neither U.S. Patent

No. 5,630,159 to Zancho (hereinafter "Zancho") nor U.S. Publication No. 2002/0013869 by Taniguchi *et al.* (hereinafter "Taniguchi") has been shown to teach a user's mobile device performing as a server, as claimed. Without correspondence to each of the claim limitations, the § 102(b) rejection would be improper and rejections should not be maintained.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (BKS.002.WUS) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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